

REMARKS

Applicant respectfully requests reconsideration of this application.

I. Status of the Claims

Claims 26, 28, 29, 31-42, 45, 46, and 48-52 are pending. Claims 1-25, 27, 30, 43, 44, and 47 were previously cancelled. The prior Office Action indicated that claims 26, 28, 29, 31-42, 46, and 48-52 are allowed. See Office Action, mailed January 14, 2008, p. 1. The current Office Action, however, indicates that claims 32-42, 45, 46, and 48-52 are allowed, but claims 26, 28, 29, and 31 are listed as rejected in the current Office Action. Office Action, p. 1.

Applicant has amended claims 26 and 29 by deleting the term "thereto" and inserting the phrase "the isolated polynucleotide." Applicant has also amended claim 31 to correct a minor typographical error.

No new matter is added by these amendments.

II. Claims 26, 28, 29, and 31 Are Definite

The Office rejects claims 26, 28, 29, and 31 under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Office Action, p. 2. According to the Office, "it is unclear [in claim 26] if the complementary polynucleotide is complementary to a polynucleotide comprising SEQ ID NO: 30, or if it is complementary to the modified SEQ ID NO: 30." *Id.* The Office states that, "[c]aim 28 depends from claim 26, but does not clarify the issue." *Id.* The Office's grounds for rejection of claims 29 and 31 are essentially the same as its reasons for rejecting claims 26 and 28. *Id.* at 2-3.

Applicant respectfully traverses. A claim is definite if it "apprises one of ordinary skill in the art of its scope." M.P.E.P. § 2173.02. Claims 26 and 29 do not recite

sequences which have not been changed at codon 48 of SEQ ID NO: 30 or codon 58 of SEQ ID NO: 29, respectively, and Applicant courteously submits that the skilled artisan would not find the scope of the claims unclear. Nevertheless, solely in an effort to advance prosecution, Applicant has amended claims 26 and 29 by deleting the term "thereto" and inserting the phrase "to the purified polynucleotide." Therefore, it is clear in both claims that the complementary polynucleotides are fully complementary to the purified polynucleotides that have been changed.

Applicant requests that the Office withdraw the rejection.

III. **Conclusion**

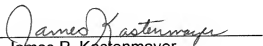
Applicant respectfully asserts that the claims are in condition for allowance. However, should the Office conclude that the objection should be maintained, Applicant requests that the Examiner contact the undersigned to discuss the rejection.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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